

SALLY BURKHART
On behalf of herself and as
Personal Representative of
The Estate of David Burkhart
483 Nottingham Way
Campbell, California 95008

David T. Burkhart
On behalf of himself
404 Ivy Lane
Pleasant Hill, CA 94523

FILED

AUG 23 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ESTATE OF DAVID BURKHART,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS,

Defendants.

) Case No.: C 07-5467 PJH
)
) **DECLARATION OF SALLY**
) **BURKHART IN SUPPORT OF**
) **PLAINTIFFS' OPPOSITION TO**
) **MOTION TO DISMISS**
)
) Date: August 6, 2008
) Time: 9:00 a.m.
) Location: Courtroom 3, 17th Floor
)
) Honorable Phyllis J. Hamilton
)

I, Sally Burkhart, declare as follows:

1. I was married to David Burkhart ("The Decedent") until the time of his death.
2. Prior to and after the filing of this lawsuit I met with a number of attorneys to discuss the claims and various legal representation issues concerning this matter. Over the past few months I have discussed this case with attorney Martin Martinez and provided him with documents concerning the claims in this matter. As recently as late May or early June of this year, Mr. Martinez was considering taking on plaintiffs' legal representation in this matter.
3. In late June or earlier this month I contacted the law office of Douglas P. Barnes about estate and trust matters concerning this lawsuit. I have currently hired Mr. Barnes office to help prepare estate and trust matters that concern this litigation. I have been told that I should receive court approved estate and trust documents in the near future. Said documents will be provided to this court as soon as I receive them.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 23, 2008 at San Francisco, California.

Sally Burkhart by PDB
Sally A. Burkhart, on behalf of herself and
as personal representative of the Estate of
David Burkhart